

|   |
|---|
| Montana Department of Natural Resources and Conservation<br>Water Resources Division<br>Water Rights Bureau |
| <b>ENVIRONMENTAL ASSESSMENT</b><br><b>For Routine Actions with Limited Environmental Impact</b>             |

**Part I. Proposed Action Description**

1. Applicant/Contact name and address:

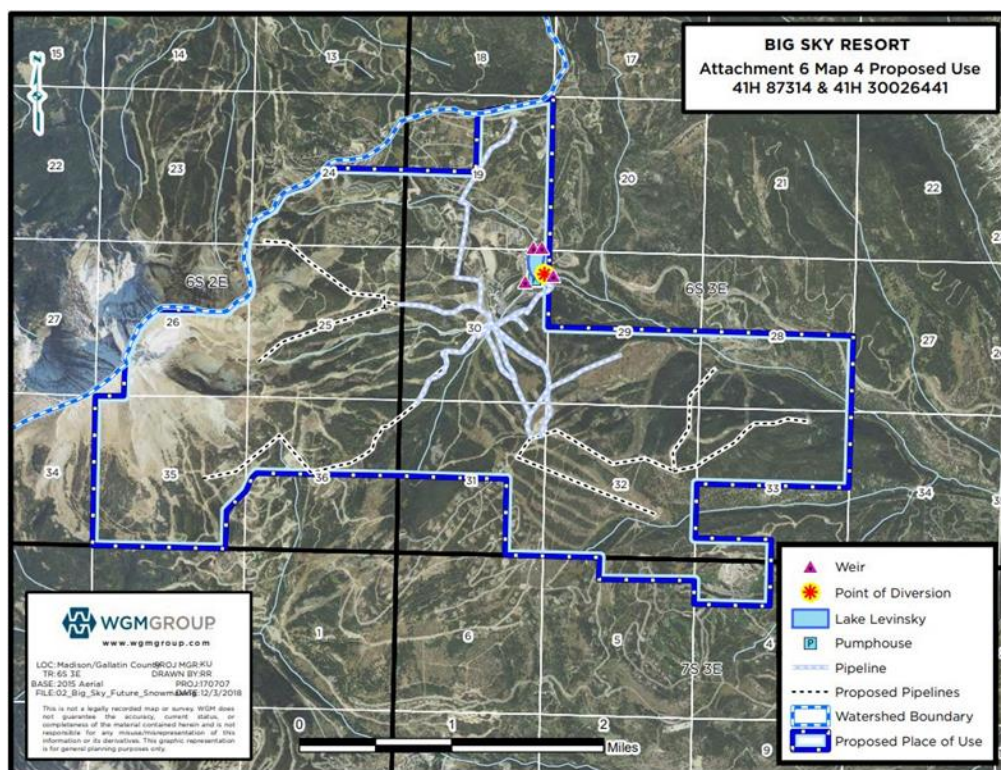
Applicants:

BIG SKY RESORT LLC  
PO BOX 160001  
BIG SKY MT, 59716

Consultant:

WGM GROUP  
1111 E BROADWAY  
MISSOULA, MT 59802

2. Type of action: Application to Change Water Right No. 41H 30116528 to change Provisional Permit No. 41H 30026441.
3. Water source name: Middle Fork of the West Fork of the Gallatin River.
4. Locations affected by project: The point of diversion is located in the SENENE Section 30 T6S R3E Gallatin County, the place of use located in the S2 Section 25 & 29, Section 30, NE Section 31, T6S R3E & NE Section 31 T6S R3E, Gallatin County.  
See Figure 1 on the next page for an overview map.



**Figure 1:** Map of the proposed change.

5. Narrative summary of the proposed project, purpose, action to be taken, and benefits:

The Applicant proposes to change the place of use for Provisional Permit 41H 30026441 to produce snow on new acres not included in the current place of use. Change application 41H 30116528 and 41H 30135552 are two concurrent changes for provisional permits 41H 87314-00 and 41H 30026441, which are for the same place of storage and for the same place of use for snowmaking. No additional water is needed for this project; the snowmaking will be limited to the volumes associated to each water right being changed in this process. Provisional Permit 41H 30026441 has commercial and fishery purposes listed as their purpose, the commercial purpose being used for snow making. The point of diversion, purpose of use, and place of storage is not changing. Also, no changes will be made to the period of use and means of conveyance.

The Department shall issue a change authorization if the Applicant proves the criteria in §85-2-402, MCA, are met.

6. Agencies consulted during preparation of the Environmental Assessment:
  - Montana Department of Fish, Wildlife & Parks (FWP) – FISHMT
    - <http://fwp.mt.gov/fish/>
  - Montana Department of Environmental Quality (DEQ) – Clean Water Act Information Center (CWAIC)
    - <http://deq.mt.gov/wqinfo/CWAIC/default.mcpix>
  - Montana National Heritage Program (MTNHP) – Species of Concern
    - <http://mtnhp.org/SpeciesOfConcern>

- U.S. Fish & Wildlife Service (USFWS) – National Wetlands Inventory Wetlands Mapper
  - <http://www.fws.gov/wetlands/Data/Mapper.html>
- Natural Resource Conservation Service (NRCS) – Web Soil Survey (WSS)
  - <http://websoilsurvey.sc.egov.usda.gov/App/HomePage.htm>

## **Part II. Environmental Review**

### **1. Environmental Impact Checklist:**

|  |
|--|
| <h2 style="text-align: center;"><b>PHYSICAL ENVIRONMENT</b></h2> |
|--|

### **WATER QUANTITY, QUALITY AND DISTRIBUTION**

**Water quantity** - Assess whether the source of supply is identified as a chronically or periodically dewatered stream by FWP. Assess whether the proposed use will worsen the already dewatered condition.

*Determination:* No significant impact identified.

As determined by a search of FISHMT conducted on June 4, 2020, the Middle Fork of the West Fork of the Gallatin River is not listed as chronically or periodically dewatered by FWP.

This change will not significantly impact conditions from the Middle Fork of the West Fork, water will be diverted and conveyed in an amount that does not exceed historical practices and in an operation pattern that is similar to the historical one.

**Water quality** - Assess whether the stream is listed as water quality impaired or threatened by DEQ, and whether the proposed project will affect water quality.

*Determination:* No significant impact identified.

According to a search of the CWAIC website conducted on June 4, 2020, DEQ lists the West Fork as fully supporting drinking water and agricultural uses. DEQ lists the West Fork as not fully supporting primary contact recreation or aquatic life. Identified impairments include chlorophyll-a, due to site clearance and on-site treatment (e.g., septic) systems; nitrate-nitrite, due to site clearance and on-site treatment systems; total nitrogen, due to site clearance and on-site treatment systems; total phosphorous, due to site clearance and on-site treatment systems; and sedimentation-siltation, due to site clearance and silviculture activities.

This change will not have a significant impact on the water quality because water will be diverted and conveyed in an amount that does not exceed historical practices and in an operation pattern that is similar to the historical one.

**Groundwater** - Assess if the proposed project impacts ground water quality or supply. If this is a groundwater appropriation, assess if it could impact adjacent surface water flows.

*Determination:* No significant impact identified.

The right being changed is from surface water. The place of use is being changed, but this will not have a significant impact on surface water flows because water will be diverted and conveyed in an amount that does not exceed historical practices and in an operation pattern that is similar to the historical one.

The change should not significantly affect groundwater quality or supply.

**DIVERSION WORKS** - *Assess whether the means of diversion, construction and operation of the appropriation works of the proposed project will impact any of the following: channel impacts, flow modifications, barriers, riparian areas, dams, well construction.*

*Determination:* No significant impact identified.

Water will be diverted at the historic head point of diversion. As described in the application and subsequent correspondence, the historic point of diversion will remain the same and the application does not involve a change in point of diversion.

Water will be diverted and conveyed in an amount that does not exceed historical practices and in an operation pattern that is similar to the historical one, so no significant impacts to channels, flows, barriers, or riparian areas are anticipated.

#### **UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES**

**Endangered and threatened species** - *Assess whether the proposed project will impact any threatened or endangered fish, wildlife, plants or aquatic species or any “species of special concern,” or create a barrier to the migration or movement of fish or wildlife. For groundwater, assess whether the proposed project, including impacts on adjacent surface flows, would impact any threatened or endangered species or “species of special concern.”*

*Determination:* No significant impact identified.

The Montana National Heritage Program’s website was queried on June 4, 2020, for species in Township 3 South, Range 6 West.

#### **Animal Species**

- Five (5) Species of Concern: Wolverine, Grizzly Bear, Veery Thrush, Brown Creeper, Clark’s Nutcracker.
- Zero (0) Potential Species of Concern.
- Zero (0) Special Status Species.

#### **Plant Species**

- One (1) Species of Concern: Whitebark Pine.
- Zero (0) Potential Species of Concern.
- Zero (0) Special Status Species.

The proposed project is to change the place of use for snowmaking. This project should not significantly impact any of the species listed here, as the purpose is not changing.

**Wetlands** - Consult and assess whether the apparent wetland is a functional wetland (according to COE definitions), and whether the wetland resource would be impacted.

*Determination:* No significant impact identified.

A June 4, 2020, search of the USFWS Wetlands Mapper identified some freshwater emergent wetlands and freshwater forested/shrub wetlands near the project area. The changes proposed in this project should not significantly affect the wetlands, as the project will not increase any consumption from the source.

**Ponds** - For ponds, consult and assess whether existing wildlife, waterfowl, or fisheries resources would be impacted.

*Determination:* No significant impact identified.

This project does not involve any changes to the current reservoir in use.

**GEOLOGY/SOIL QUALITY, STABILITY AND MOISTURE** - Assess whether there will be degradation of soil quality, alteration of soil stability, or moisture content. Assess whether the soils are heavy in salts that could cause saline seep.

*Determination:* No significant impact.

The same amount water that was historically diverted from these surface water sources will be diverted. The diversion operation pattern will be similar to the historical one, so this project should not affect soil characteristics significantly. A June 4, 2020 search of the NRCS WSS site did not identify any saline seeps in the area.

**VEGETATION COVER, QUANTITY AND QUALITY/NOXIOUS WEEDS** - Assess impacts to existing vegetative cover. Assess whether the proposed project would result in the establishment or spread of noxious weeds.

*Determination:* No significant impact identified.

The same amount of water that was historically diverted from the surface water sources will continue to be diverted and conveyed to the same general area, although the acreage will be increased. The diversion operation pattern will be similar to the historical one, so this project should not affect vegetative characteristics along the riparian corridor significantly. Under Montana law, property owners are responsible for noxious weed control on their property.

**AIR QUALITY** - Assess whether there will be a deterioration of air quality or adverse effects on vegetation due to increased air pollutants.

*Determination:* No impact identified.

This project will not impact air quality.

**HISTORICAL AND ARCHEOLOGICAL SITES** - *Assess whether there will be degradation of unique archeological or historical sites in the vicinity of the proposed project if it is on State or Federal Lands. If it is not on State or Federal Lands simply state NA-project not located on State or Federal Lands.*

*Determination:* Not applicable.

The project is not located on State or Federal Lands. Furthermore, the Applicant made no mention of significant historical or archeological sites on the property.

**DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AND ENERGY** - *Assess any other impacts on environmental resources of land, water and energy not already addressed.*

*Determination:* No impact identified.

No other demands on environmental resources of land, water, and energy have been identified.

## **HUMAN ENVIRONMENT**

**LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS** - *Assess whether the proposed project is inconsistent with any locally adopted environmental plans and goals.*

*Determination:* No significant impact identified.

The Applicant's goal is to change the place of use of their existing water right to incorporate additional acreage for snowmaking. This proposal is consistent with the goal of efficiently making use of existing water supplies.

**ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS ACTIVITIES** - *Assess whether the proposed project will impact access to or the quality of recreational and wilderness activities.*

*Determination:* No impact identified.

The project area is located on private property and will not affect access to recreational activities or the quality of recreational and wilderness activities.

**HUMAN HEALTH** - *Assess whether the proposed project impacts on human health.*

*Determination:* No impact identified.

This project will not impact human health.

**PRIVATE PROPERTY** - *Assess whether there are any government regulatory impacts on private property rights.*

Yes \_\_\_ No X *If yes, analyze any alternatives considered that could reduce, minimize, or eliminate the regulation of private property rights.*

*Determination:* No impact identified.

The project does not impact government regulations on private property rights.

**OTHER HUMAN ENVIRONMENTAL ISSUES** - *For routine actions of limited environmental impact, the following may be addressed in a checklist fashion.*

*Impacts on:*

- (a) Cultural uniqueness and diversity? No impacts identified.
- (b) Local and state tax base and tax revenues? No significant impacts identified.
- (c) Existing land uses? No significant impacts identified.
- (d) Quantity and distribution of employment? No significant impacts identified.
- (e) Distribution and density of population and housing? No impacts identified.
- (f) Demands for government services? No significant impacts identified.
- (g) Industrial and commercial activity? No significant impacts identified.
- (h) Utilities? No significant impacts identified.
- (i) Transportation? No impacts identified.
- (j) Safety? No impacts identified.
- (k) Other appropriate social and economic circumstances? No impacts identified.

**2. *Secondary and cumulative impacts on the physical environment and human population:***

Secondary Impacts: No secondary impacts have been identified.

Cumulative Impacts: No cumulative impacts have been identified.

**3. *Describe any mitigation/stipulation measures:*** None.

**4. *Description and analysis of reasonable alternatives to the proposed action, including the no action alternative, if an alternative is reasonably available and prudent to consider:*** The Applicant may not have any reasonable alternatives to the current process because changing the place of use of a water right requires an Authorization from the Department.

The no-action alternative would be to not to make any changes to their snowmaking infrastructure.

### *PART III. Conclusion*

1. ***Preferred Alternative:*** The preferred alternative is to grant the change application if the Applicant can prove that the criteria in §85-2-402, MCA, are met.
2. ***Comments and Responses:*** None.
3. ***Finding:***  
Yes\_\_\_ No X *Based on the significance criteria evaluated in this EA, is an EIS required?*

*If an EIS is not required, explain why the EA is the appropriate level of analysis for this proposed action:* The EA is the appropriate level of analysis because the proposed project is to change the place of use of irrigation water rights. None of the identified impacts for any of the alternatives is significant as defined in ARM 36.2.524. No significant adverse effects are anticipated.

*Name of person(s) responsible for preparation of EA:*

*Name:* Michael Everett  
*Title:* Water Resource Specialist  
*Date:* June 4, 2020